



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 4, 1996

Mr. Tom Dirickson
Hayes, Coffey & Berry, P.C.
P.O. Box 50149
Denton, Texas 76206

OR96-0871

Dear Mr. Dirickson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38793 and you were notified that an open records decision to be issued shortly would address the issues brought forth in your request. That decision has now issued and we will now address the issues raised in your request.¹

The Denton Independent School District ("DISD") received a request for:

copies of each notice of a sex offender registered in your area forwarded to the district by local law enforcement agencies. Also, please provide us copies of all sex offender notices, if any, you have released to parents and other taxpayers in your district.

You have submitted to us for review representative documents² which you have determined are responsive to the request, and you contend that the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." In Open Records Decision No. 645 (1996) we concluded that under article

¹Open Records Decision No. 645 (1996).

²We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

6252-13c.1, V.T.C.S., all information contained in either an adult's or juvenile's sex offender registration form and subsequently entered into the department's data base is public information and must be released upon written request *except* for the registrant's photograph, social security number, driver's license number, *numeric street address* and telephone number, and any information that on its face would directly reveal the identity of the victim. See Open Records Decision No. 645 (1996) at 10-11.

We note, however, that because school districts are also authorized to receive, with certain exceptions, "any information the authority determines is necessary to protect the public," V.T.C.S. art. 6252-13c.1, § 3(g), the release of some of the information held by the school district may not be governed by section 5(b), Open Records Decision No. 645 (1996) at 8. For example, it is conceivable that the local law enforcement authority may decide that the school district should receive a copy of the registrant's court, probation, or parole records, police investigatory records, criminal history information, or other types of information. To the extent that these records contain information the release of which is governed by section 5(b) or other statutory law, the district must withhold or release that information accordingly.³ See Attorney General Opinion H-917 (1976) (confidential information may be transferred from one entity to another without infringing on confidentiality of information so long as each entity is authorized to possess it); Open Records Decision Nos. 623 (1994), 525 (1989), 451 (1986) (Open Records Act's exceptions may not be used to withhold information deemed public under separate statute). The release of the remaining information, however, will be governed by the Open Records Act and the school districts may withhold this additional information from the public only upon a demonstration to this office that one or more of the act's exceptions to required public disclosure apply. Such a determination by this office must be made on a case-by-case basis. We have marked the documents submitted and enclose a copy of Open Records Decision No. 645 (1996) for your reference.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros

Assistant Attorney General
Open Records Division

³We note that in the instant case the provisions cited under Code of Criminal Procedure art. 60.03(c) and Government Code section 411.083(d) are not immediately applicable as the information sought by the requestor is that information under the control of DISD and the fact that information was generated by another entity is irrelevant to a determination of whether it is public when in possession of a governmental body. Open Records Decision No. 317 (1982).

JIM/rho

Ref.: ID# 38793

Enclosures: Marked documents

cc: Ms. Kristin N. Sullivan
Reporter
Fort Worth Star-Telegram
P.O. Box 1870
Fort Worth, Texas 786101
(w/o enclosures)